## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)
Plaintiff,	8:12CR393 )
VS.	) DETENTION ORDER
JAMIE FAUST,	
Defendant.	) )
A. Order For Detention  After waiving a detention hearing pursua Act on January 4, 2013, the Court or pursuant to 18 U.S.C. § 3142(e) and (i).	ant to 18 U.S.C. § 3142(f) of the Bail Reform ders the above-named defendant detained
conditions will reasonably assure X By clear and convincing evidence	
contained in the Pretrial Services Repor  X (1) Nature and circumstances of  X (a) The crime: the distriction of 21 U.S.C. five years imprison imprisonment; and the III, V-VI) in violation of sentence of twenty ye  (b) The offense is a crime (c) The offense involves a crime (c)	f the offense charged: ibution of methamphetamine (Count IV) in § 841(a)(1) carries a minimum sentence of ment and a maximum of forty years e distribution of methamphetamine (Counts I-21 U.S.C. § 84(a)(1) each carry a maximum ears imprisonment
(a) General Factors:  The defendar may affect who affect who are the defendar and the defen	nt appears to have a mental condition which nether the defendant will appear. In that no family ties in the area. In that no steady employment. In that no substantial financial resources. In the does not have any significant community of the defendant: In that a history relating to drug abuse. In that a significant prior criminal record. In that a prior record of failure to appear at

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		Probation	
		Parole Release pending trial, sentence, appeal or completion of	:
		sentence.	
		(c) Other Factors:	
		The defendant is an illegal alien and is subject to deportation.	
		The defendant is a legal alien and will be subject to	J
		deportation if convicted.	
		The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.  Other:	
V	(4)		_
X	(4)	The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment and the	
		criminal history of the defendant.	
Χ	(5)	Rebuttable Presumptions	
	. ,	In determining that the defendant should be detained, the Court also relied	
		on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:	
	Χ	(a) That no condition or combination of conditions will reasonably	,
		assure the appearance of the defendant as required and the safety	
		of any other person and the community because the Court finds that the crime involves:	
		(1) A crime of violence; or	
		(2) An offense for which the maximum penalty is life	
		imprisonment or death; or	
		<ul> <li>X (3) A controlled substance violation which has a maximur penalty of 10 years or more; or</li> </ul>	n
		(4) A felony after the defendant had been convicted of tw	O
		or more prior offenses described in (1) through (3)	
		above, and the defendant has a prior conviction for	
		one of the crimes mentioned in (1) through (3) above	
		which is less than five years old and which was committed while the defendant was on pretrial release.	
	Х	(b) That no condition or combination of conditions will reasonably	
		assure the appearance of the defendant as required and the safety	,
		of the community because the Court finds that there is probable	!
		cause to believe:	
		<ul> <li>X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of</li> </ul>	
		10 years or more.	
		(2) That the defendant has committed an offense under	18
		U.S.C. § 924(c) (uses or carries a firearm during and	
		in relation to any crime of violence, including a crime of	
		violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous	
		weapon or device).	

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall have the defendant screened at an appropriate substance treatment facility. If accepted, the court will be notified and defendant will be brought before the court for a determination of release conditions.

DATED: January 4, 2013. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge